

The People are the City

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CONSTANCE UNDERHILL

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401 East Chapman Avenue - Placentia, California 92870

Nancy Wieben Stock
Presiding Judge of the Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

Honorable Judge Wieben Stock,

Attached is the City of Placentia's Response to the 2006-2007 Orange County Grand Jury report, "Assembly Bill 939 Waste Diversion: Are We Finally Making Progress?" Included is the requested response to Finding F-6 and Recommendation R-6.

Finding F-6: "The presence of non-franchise haulers and so-called "Ghost Haulers" bins, in cities which bypass the recycling system, needs to be corrected in order to establish the waste haulers' confidence that their municipalities are looking out for their best interests."

Response to Finding F-6: The City of Placentia agrees with the Grand Jury's Finding F-6. The presence of non-franchise haulers and unauthorized bins operating within a franchise city undermines the city's recycling efforts and AB939 compliance. However, misreported tonnage is difficult to identify as the misreporting occurs at the landfills. The landfills should enact policies to ensure confirmation of the originating source and location of the tonnage.

Recommendation R-6: "Municipalities need to solve their unauthorized waste bin problems by enacting city ordinances forbidding these practices, imposing fines, including stepped-up fines for additional violations, and impounding unauthorized bins."

Response to Recommendation R-6: The recommended action has been implemented. The City of Placentia enacted Ordinance O-2002-09 "Unlawfully placed refuse containers" in 2002. The ordinance states that unauthorized waste bins may not be placed within the City of Placentia. Upon report of an unauthorized waste bin within the city a City of Placentia Code Enforcement Officer inspects the location to verify that it is an unauthorized bin. Upon verification, the Code Enforcement Officer posts a notice stating that the bin is unauthorized and must be removed within 24 hours to avoid being impounded. The Code Enforcement Officer visits the site again in 24 hours, if the bin has not been removed it is impounded.

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August 28, 2007
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Upon being impounded the City of Placentia sends a letter to the waste disposal company that owns the bin to notify them of the violation of Placentia Municipal Code, the resulting impoundment of their bin and fees owed to the City. The fees include a \$100/per container impoundment fee, bin storage fee and fees for all staff time spent impounding the vehicle and billing the company. The unauthorized bin owner is required to pay all fees before they are allowed to pick up their bin from impoundment (they must show their City of Placentia receipt in order to receive bin).

In addition, if the company in violation fails to claim their containers within ninety days the containers and contents are disposed of and the company is now responsible for those additional disposal costs as well.

In 2004 the City of Placentia posted 12 notices and impounded 1 bin. In 2005 the City posted 18 notices and impounded 0 bins, in 2006 22 notices were issued and 2 bins were impounded.

In addition, we dispute the 2004 Diversion Rate listed for the City of Placentia (listed as 49%) on page 13. Enclosed with this letter you will find the Integrated Waste Management Board's Countywide, Regionwide, and Statewide Jurisdiction Diversion Progress Report for Year 2004. You will see that on page 2 of the report the City of Placentia's Diversion Rate for year 2004 was 55% and was approved by the California Integrated Waste Management Board.

Respectfully submitted,



Constance Underhill, Mayor

Attachments: Integrated Waste Management Board's Countywide, Regionwide, and Statewide Jurisdiction Diversion Progress Report for Year 2004

Countywide, Regionwide, and Statewide Jurisdiction Diversion Progress Report

Orange Report Year: 2004

Diversion Rate Range selected: All Diversion Rates (includes No Rate)

Biennial Review Status selected: 'All Review Status'

Advisory! This online database contains some diversion rates calculated with preliminary data and labeled as such. Preliminary data is subject to change during the Board review process or when a jurisdiction submits updated information. Those diversion rates where the status is labeled "**Preliminary Data Under Staff Review;**" "**Biennial Review Not Completed Yet, Preliminary Data;**" "**Biennial Review Not Completed Yet, New Base Year;**" or "**Not Subject to Biennial Review, Newly Incorporated**" are not official diversion rates and have not been reviewed by the Board.

Beginning with 2004 jurisdiction annual reports, the CIWMB allows the use of the Taxable Sales Deflator Index (TSDI) as an acceptable alternative to the Consumer Price Index (CPI) to calculate diversion rates. If you want to find out more about the TSDI and see a comparison of preliminary 2004 diversion rates calculated using CPI and TSDI see our [Taxable Sales Deflator Index](#) page.

Jurisdiction	Diversion Rate %	Biennial Review Status* <small>(Click on status to view detailed data)</small>	# Programs Implemented
Aliso Viejo	25	Preliminary Data: Worksheet Calculation (ability to change amounts)	26
Anaheim	51	Board Approved	34
Brea	51	Board Approved	37
Buena Park	41	Board Approved Time Extension Biennial Review Delayed Extension Begin Date: 7/19/2005 Extension End Date: 12/31/2005 Preliminary Data: Worksheet Calculation (ability to change amounts)	30
Costa Mesa	54	Board Approved	25
Cypress	65	Board Approved	32
Dana Point	36	Board Approved Time Extension Biennial Review Delayed Extension Begin Date: 9/22/2004 Extension End Date: 12/31/2005 Preliminary Data: Worksheet Calculation (ability to change amounts)	33
Fountain Valley	50	Board Approved	39
Fullerton	50	Board Approved	31
Garden Grove	51	Board Approved	35
Huntington Beach	65	Board Approved	42

Irvine	54	<u>Board Approved</u>	<u>34</u>
La Habra	53	<u>Board Approved</u>	<u>37</u>
La Palma	54	<u>Board Approved</u>	<u>27</u>
Laguna Beach	42	Board Approved Time Extension Biennial Review Delayed Extension Begin Date: 1/19/2005 Extension End Date: 12/31/2005 Preliminary Data: <u>Worksheet Calculation (ability to change amounts)</u>	<u>36</u>
Laguna Hills	29	Board Approved Time Extension Biennial Review Delayed Extension Begin Date: 9/22/2004 Extension End Date: 12/31/2005 Preliminary Data: <u>Worksheet Calculation (ability to change amounts)</u>	<u>28</u>
Laguna Niguel	43	Board Approved Time Extension Biennial Review Delayed Extension Begin Date: 9/22/2004 Extension End Date: 12/31/2005 Preliminary Data: <u>Worksheet Calculation (ability to change amounts)</u>	<u>32</u>
Laguna Woods	50	<u>Board Approved</u>	<u>23</u>
Lake Forest	68	<u>Board Approved</u>	<u>32</u>
Los Alamitos	47	Board Approved Time Extension Biennial Review Delayed Extension Begin Date: 9/20/2005 Extension End Date: 12/31/2005 Preliminary Data: <u>Worksheet Calculation (ability to change amounts)</u>	<u>28</u>
Mission Viejo	44	Board Approved Time Extension Biennial Review Delayed Extension Begin Date: 12/14/2004 Extension End Date: 12/31/2005 Preliminary Data: <u>Worksheet Calculation (ability to change amounts)</u>	<u>45</u>
Newport Beach	47	Board Approved Time Extension Biennial Review Delayed Extension Begin Date: 9/20/2005 Extension End Date: 12/31/2005 Preliminary Data: <u>Worksheet Calculation (ability to change amounts)</u>	<u>23</u>
Orange	57	<u>Board Approved</u>	<u>36</u>
Orange-Unincorporated	37	<u>Board Approved Good Faith Effort</u>	<u>33</u>
Placentia	55	<u>Board Approved</u>	<u>33</u>
Rancho Santa Margarita	31	<u>Board Approved</u>	<u>26</u>
San Clemente	38	Board Approved Time Extension Biennial Review Delayed Extension Begin Date: 9/22/2004 Extension End Date: 12/31/2005 Preliminary Data: <u>Worksheet Calculation (ability to change amounts)</u>	<u>30</u>
San Juan Capistrano	45	Board Approved Time Extension Biennial Review Delayed Extension Begin Date: 9/22/2004	<u>32</u>

Extension End Date: 12/31/2005
 Preliminary Data: Worksheet Calculation (ability to change amounts)

Santa Ana	60	<u>Board Approved</u>	<u>33</u>
Seal Beach	61	<u>Board Approved</u>	<u>34</u>
Stanton	56	Board Approved Time Extension Biennial Review Delayed Extension Begin Date: 9/22/2004 Extension End Date: 12/31/2005 Preliminary Data: <u>Worksheet Calculation (ability to change amounts)</u>	<u>22</u>
Tustin	9	Board Approved Time Extension Biennial Review Delayed Extension Begin Date: 12/14/2004 Extension End Date: 12/31/2005 Preliminary Data: <u>Worksheet Calculation (ability to change amounts)</u>	<u>36</u>
Villa Park	55	<u>Board Approved</u>	<u>32</u>
Westminster	59	<u>Board Approved</u>	<u>39</u>
Yorba Linda	50	<u>Board Approved</u>	<u>32</u>

Total number of Jurisdictions found: 35

Countywide, Regionwide and Statewide Jurisdiction Diversion Progress Report

Last updated: Data updated continuously.

Local Government Central <http://www.ciwmb.ca.gov/LGCentral/>
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